



DEPARTMENT OF THE NAVY

NAVAL MEDICAL COMMAND  
WASHINGTON, D.C. 20372

IN REPLY REFER TO  
NAVMEDCOMINST 12713.1  
MEDCOM-00D1  
13 October 1983

NAVMEDCOM INSTRUCTION 12713.1

From: Commander, Naval Medical Command

Subj: Equal Employment Opportunity Program

Ref: (a) Executive Order 11478 of 8 August 1969  
(b) Title VII of the Civil Rights Act of 1964, as amended  
by Public Law 92-261, effective March 24, 1972  
(c) Public Law 93-259  
(d) CMMI 713  
(e) CPI 713-A  
(f) SECNAVINST 12720.2

Encl: (1) Delineation of EEO Program responsibility and structure  
(2) Overview of equal employment opportunity complaint  
procedures  
(3) Sample of NAVSO 12713/1, Complaint of discrimination  
in the Department of the Navy

1. Purpose. To establish policy and assign responsibility for the Equal Employment Opportunity (EEO) Program of the Commander, Naval Medical Command (NAVMEDCOM) and NAVMEDCOM command activities.

2. Scope. Requirements set forth in this instruction provide coverage for both appropriated and nonappropriated fund employees in the NAVMEDCOM Headquarters and the NAVMEDCOM command activities.

3. Discussion. The development of policies and procedures to provide equal employment opportunity to all employees and potential employees of the Federal Government, regardless of their race, color, religion, national origin, sex, age, or physical or mental handicap, has been an evolutionary process. References (a), (b), and (c) represent milestones in that process and constitute the legal basis for EEO programs in executive departments and agencies. References (d) and (e) provide for the implementation of equal employment opportunity programs in the Department of the Navy.

4. Responsibilities. Execution of the Department of the Navy EEO policy and achievement of its objectives are inherent responsibilities at every supervisory and managerial level, military and civilian. Heads of NAVMEDCOM activities shall be designated as Equal Employment Opportunity Officers (EEOO) and are personally responsible for ensuring that the requirements of

this instruction are carried out. Enclosure (1) is provided to assist in this effort.

## 5. Policy

a. NAVMEDCOM is committed to a program to achieve full representation within the civilian work force and to provide equal employment opportunity for all employees and applicants. Civilian employees shall not be discriminated against on the basis of race, sex, age, color, national origin, religion, or nondisqualifying physical or mental handicap regarding any facet of civilian personnel management. Enclosures (2) and (3) are provided for use in those instances where employees or applicants feel they have suffered discrimination.

b. In addition to providing equality of opportunity for the total civilian work force, affirmative employment programs shall be established and directed at correcting underrepresentation of women, minority, and handicapped employees. Program focus for the handicapped shall include both employment and improvement of facility accessibility.

c. The policy of NAVMEDCOM is that the Command Deputy Equal Employment Opportunity Officer (CDEEOO) and the Deputy Equal Employment Opportunity Officer (DEEOO) in the command activities shall be separate from the civilian personnel staff. However, coordination with civilian personnel, legal, budget, and line management officials is essential to achieve the objectives of the EEO mandates and to enhance overall effectiveness of the EEO Program.

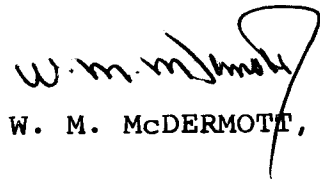
d. Military and civilian managers and supervisors shall be held accountable for meeting established EEO goals and objectives, and their performance in this area shall be included within the applicable performance appraisal system where appropriate. Criteria for advancement within supervisory and managerial positions shall include demonstrated performance in meeting EEO objectives. Reference (f) provides additional guidance in assisting members of the Merit Pay System.

## 6. Report and Form

a. Report control symbol MEDCOM 12713-2 is assigned to EEO Counselor's Report of Background Information contained in paragraph 1l(8) of enclosure (1). Report control symbol MED 12713-3, Report of Class Action Discrimination Complaint, is assigned to the reporting requirement contained in paragraph 1m(3) of enclosure (1). These reports have been approved by the Commander, Naval Medical Command, for 3 years only from the date of this instruction.

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b. NAVSO 12713/1 (Rev. 4-80), Complaint of Discrimination in the Department of the Navy Because of Race, Color, Religion, Sex, National Origin, Age, Physical Handicap, Mental Handicap, or Reprisal for Prior Complaint Involvement (Stock number 0104-LF-942-4603) may be obtained in packages of 100 each through normal supply channels.

  
W. M. McDERMOTT, JR

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DELINEATION OF EEO PROGRAM RESPONSIBILITY AND STRUCTURE

1. Responsibilities of Program Officials

a. Equal Employment Opportunity Officer. The Commander, Naval Medical Command is the Equal Employment Opportunity Officer (EEOO). Commanding officers or heads of activities are the EEOO's for their respective field activities. Each EEOO is personally responsible for execution of Department of the Navy EEO policies within their commands and for planning, implementing, and budgeting for EEO programs commensurate with the numbers of civilian employees and the Navy standard of adequacy of program development.

b. Medical Command Deputy EEO Officer (CDEEOO). The CDEEOO (MEDCOM-00D1) is the EEO program manager and principal advisor to the Commander, Naval Medical Command on command-wide EEO program policies and shall be staffed directly to and supervised by Commander NAVMEDCOM. The CDEEOO shall have lead staff responsibility for and shall direct the development of command-wide and Headquarters formal EEO Program components including the Federal Women's Program, Hispanic Employment Program, Upward Mobility Program, Handicapped/Disabled Veterans Program, Federal Equal Opportunity Recruitment Program, and the Discrimination Complaints Processing System consistent with the Office of Personnel Management, Equal Employment Opportunity Commission, and Department of the Navy instructions, policies, and regulations. The CDEEOO's responsibilities to the command activities include the following duties:

(1) Provides leadership, guidance, and assistance to NAVMEDCOM command activity EEO officials in developing and carrying out effective EEO programs.

(2) Coordinates and recommends the required levels of staffing and funds to be allocated for the total EEO Program.

(3) Develops NAVMEDCOM Affirmative Action Program Plan (AAPP) based on input provided by the command activities.

(4) Reviews, directs modification of, as appropriate, and approves AAPP's of command activities.

(5) Provides procedural guidance for the administration of a discrimination complaint system.

(6) Conducts evaluations of EEO programs either independently or in conjunction with Inspector General inspections.

(7) Reviews submissions for annual EEO achievement award and for the annual outstanding handicapped employee of the year award.

In addition to the above responsibilities, the CDEEO shall ensure performance of applicable duties for NAVMEDCOM Headquarters staff described in paragraph c below.

c. Deputy EEO Officer (DEEO) (Activity). The DEEO is the EEO program manager and advisor to the EEO (activity head) and shall have lead staff responsibility for all formal EEO Program components including the Federal Women's Program, Hispanic Employment Program, Upward Mobility Program, Handicapped/Disabled Veterans Program, Federal Equal Opportunity Recruitment Program, and the Discrimination Complaint Processing System. The DEEO shall be staffed directly to and supervised by the activity head. The DEEO's duties include the following:

(1) Participates in the development and review of present and proposed activity policies affecting the civilian work force, including serving on ad hoc or regular committees and boards that make or recommend decisions on merit staffing, recruitment, training, position management, and other personnel management policies.

(2) Develops the activity AAPP based on consultation with and input from activity line and staff officials and other appropriate persons and organizations.

(3) Participates in the development of EEO training for supervisors and managers.

(4) Monitors progress of minorities and women in the work force and identifies areas in need of additional program effort.

(5) Processes discrimination complaints, including developing and recommending resolutions for disposition of complaints.

(6) Participates in the development of plans for recruitment, including those for special employment programs (e.g., Federal Equal Opportunity Recruitment Program, summer employees, etc.).

(7) Participates in activity self-evaluations of the EEO Program and related programs (e.g., civilian personnel management).

(8) Supervises the Federal Women's and Hispanic Employment Program Managers (and other EEO specialists) in the

execution of program responsibilities, including evaluating their performance of EEO duties.

(9) Provides training for and guidance to EEO counselors and the EEO Committee. Evaluates EEO counselors' and EEO committee member's performance of EEO duties.

(10) Reviews EEO performance standards of supervisors, and recommends "outstanding" performance ratings and awards for extraordinary performance of supervisors and advises whether EEO performance meets the established standards.

(11) Establishes and maintains working relationships with community, minority, and women's groups.

(12) Monitors all SF-52, Requests for Personnel Actions issued at the activity to keep abreast of staffing changes and monitors the Upward Mobility Program.

(13) Provides information, including reports, as required or requested by higher authority.

(14) Advises Merit Pay System members in setting EEO objectives.

d. Command Federal Women's Program Manager (CFWPM). The CFWPM is the primary source of guidance and direction for the Federal Women's Program (FWP) throughout NAVMEDCOM and the command activities. The CFWPM is an EEO specialist performing the duties under the supervision of the CDEEOO. The CFWPM's duties include the following:

(1) Advises the EEOO and CDEEOO on matters affecting the underrepresentation and underutilization of women.

(2) Develops and establishes the FWP affirmative action goals and objectives.

(3) Provides guidance and direction to the NAVMEDCOM FWPM and to FWPM's at NAVMEDCOM activities.

(4) Evaluates the accomplishments and progress made by the HQS, Regions, and specified commands to eliminate underrepresentation and underutilization of women by staff visits or in conjunction with the Inspector General inspections.

(5) Recommends levels of staffing and funds to be allocated to the program.

(6) Provides consulting services to the commanding

officers, EEO staffs, and key managers of the NAVMEDCOM and NAVMEDCOM command activities.

(7) Serves as liaison to organizations promoting equal opportunity for women, i.e., Federally Employed Women, National Military Wives Association, Women's Equity Action League, etc.

e. Federal Women's Program Manager (FWPM) (Activity). The FWPM shall advise the EEEO through the DEEOO on all matters pertaining to the employment of women. The FWPM shall be supervised by the DEEOO in the performance of the FWPM duties. The DEEOO shall evaluate the FWPM's performance of these duties for incorporation in the annual performance appraisal. The FWPM's duties will include the following:

(1) Conducts studies of women's representation in and progress toward higher level positions in the activity and of matters that affect women's relative employment status, e.g., recruitment activities, training opportunities, and selection procedures.

(2) Participates in the development and implementation of the AAPP and EEO policy directives and in the preparation of EEO reports.

(3) Participates in the development of training activities to assist women to progress in those occupations and to those levels in which they are underrepresented.

(4) Develops special programs and prepares publicity to increase the awareness of and sensitivity to the abilities, accomplishments, potential, and problems of women in the work force.

(5) Counsels or refers women to appropriate sources for counseling to assist them in preparing for positions to which they aspire.

(6) Serves as a voting member of the EEO/Human Relations Council or EEO Committee. Serves on other boards and committees whose decisions or recommendations affect the employment, advancement, or morale of women.

(7) Participates in the development of recruitment plans, including those for special employment programs, e.g., summer employees.

(8) Maintains contacts with community organizations concerned with women's issues to disseminate information about activity employment opportunities, to advise and assist potential job applicants, and to foster cooperative relationships between the organizations and the activity.

f. Command Hispanic Employment Program Manager (CHEPM). The CHEPM is the primary source of guidance and direction for the Hispanic Employment Program (HEP) throughout NAVMEDCOM and the command activities. The CHEPM shall be an EEO specialist performing the duties under the supervision of the CDEEOO. The CHEPM's duties include the following:

(1) Advises the EEOO and CDEEOO on matters affecting the underrepresentation and underutilization of Hispanics.

(2) Develops and establishes the HEP affirmative action goals and objectives.

(3) Provides guidance and direction to NAVMEDCOM HEPM and to HEPM's at NAVMEDCOM activities.

(4) Evaluates the accomplishments and progress made by the HQS, Regions, and specified commands to eliminate underrepresentation and underutilization of Hispanics by staff visits or in conjunction with the Inspector General inspections.

(5) Recommends level of staffing and funds to be allocated to the program.

(6) Provides consulting services to the commanding officers, EEO staffs, and key managers of the NAVMEDCOM and NAVMEDCOM command activities.

(7) Serves as liaison to organizations promoting equal opportunity for Hispanics, i.e., IMAGE, LULAC, G.I. Forum, etc..

g. Hispanic Employment Program Manager (HEPM) (Activity). The HEPM shall advise the EEOO through the DEEOO on all matters pertaining to the Hispanic Employment Program. The HEPM shall be supervised by the DEEOO in performance of the HEPM duties. The DEEOO shall evaluate the HEPM's performance of these duties for incorporation in the annual performance appraisal. Included in the HEPM's duties are those described for the FWPM in paragraph e above with the difference that they shall relate to the Hispanic men and women rather than women only.

h. Upward Mobility Program Coordinator (UMPC). The UMPC provides leadership in the development and execution of a program designed to provide movement of employees from lower level positions with limited career growth to positions with recognized career ladders. Provides guidance and assistance to managers in identifying billets to be filled through the UMP. Provides information to employees and managers concerning UMP procedures



and policies. Advises the EEOO through the CDEEOO or the DEEOO on matters concerning the UMP.

i. Command Handicapped Program Manager (CHPM). The CHPM is the primary source of guidance and direction for the Handicapped/Disabled Veterans Program (H/DVP) throughout NAVMEDCOM and the command activities. The CHPM shall be an EEO specialist performing the duties under the supervision of the CDEEOO. The CHPM's duties include the following:

(1) Advises the EEOO and CDEEOO on matters affecting the underrepresentation and underutilization of handicapped/disabled veterans.

(2) Develops and establishes the H/DVP affirmative action goals and objectives.

(3) Provides guidance and direction to NAVMEDCOM HPM and to HPM's at NAVMEDCOM activities.

(4) Evaluates the accomplishments and progress made by the HQS, Regions, and command activities to identify and eliminate underrepresentation and underutilization of handicapped persons by conducting staff visits or in conjunction with the Inspector General inspections.

(5) Recommends level of staffing and funds to be allocated to the program.

(6) Provides consulting services to the commanding officers, EEO staffs, and key managers of the NAVMEDCOM HPM and to HPM's at NAVMEDCOM command activities.

(7) Serves as liaison to resource organizations that will assist in recommending handicapped persons for employment and for identifying those handicapped persons currently in the work force.

j. Handicapped/Disabled Veterans Program Coordinator (H/DVPC). Advises the EEOO through the DEEOO on matters concerning the Handicapped/Disabled Veterans Program. He or she is responsible for assisting in the development of a program to assure equal opportunity for the handicapped, for locating and establishing contact with resource agencies that will assist in recommending handicapped persons for employment, and for identifying those handicapped persons currently in the work force.

k. EEO Council or EEO Committee. A "task oriented" monitoring and recommending body receiving direction from the CDEEOO or DEEOO and providing resources and support to all primary EEO program officials. Develops and makes

recommendations to the CDEEO or DEEO for action items to be included in the AAPP. Monitors actions under the AAPP. Serves as a "sounding board" for determining attitudes by, and toward, minorities and women throughout NAVMEDCOM or the appropriate command activity. The Council or Committee shall include a representative number of minority and women employees.

1. EEO Counselors. EEO counselors perform a vital function during the first stage in the discrimination complaint procedure and should be carefully selected. When a problem is brought to the attention of a counselor, he or she shall:

(1) Conduct an interview with the person to obtain a full understanding of the problem relating to EEO. If the problem does not involve EEO discrimination, the counselor shall advise the appropriate channel for requesting redress.

(2) Seek information from supervisors, civilian personnel officials and any other person having knowledge relating to the problem. The counselor shall review pertinent records, including the official personnel folder of the complainant, when necessary to resolve the issue.

(3) Explore with the counselee and with line and staff officials ways in which the problem could be resolved to the person's satisfaction, e.g., by providing information not known or understood by the person or by aiding in correction of the circumstances that gave rise to the problem.

(4) Make arrangements for discussions between the person and appropriate line and staff officials when it is believed that this would contribute to resolution of the problem.

(5) Make recommendations to supervisors and managers of actions to resolve the problem when appropriate.

(6) Advise the counselee concerning the merits of the problem presented, explaining the reasons the counselor believes no basis exists for a discrimination complaint (but without trying to restrain the person from filing a complaint).

(7) Advise the counselee concerning his or her rights and procedures for filing a formal complaint if the matter is not resolved to the satisfaction of the counselee.

(8) Keep informal notes of all interviews, advice, recommendations, and other information relating to the employee or applicant's problem. Provide a report based on this data to the DEEO if and when a formal complaint is filed.

(9) Provide information to the DEEO concerning number

of persons counseled and nature of problems raised.

m. Class Action Discrimination Complaint Counselor. Class complaint counselors perform the same vital function as the EEO counselor. Responsibilities are:

(1) When requested by an employee or applicant who believes that grounds for a class action complaint exists, counsels the individual on the procedures for such a complaint. Investigates the background of the complaint and attempts to mediate the problem, while assuring the anonymity of the complainant unless otherwise authorized.

(2) If mediation is not possible, and having assured himself or herself that all legal requirements as to numbers in the class, questions of fact in common to the class, the typicality of the complaint, and the adequacy of the representation by the agent (the complainant who will represent the class) the counselor shall notify the agent in writing of his or her right to file a written, formal class action discrimination complaint. The counselor shall provide the names and addresses of those agency/activity officials with whom the complaint is to be filed. This formal notification shall be made upon termination of the counseling period, following a final interview and not later than 30 days after the complaint was presented to the counselor.

(3) The counselor shall prepare a report on the matter including: the name of the person who desires to be the agent of the class; the name of the person's representative, if any; the nature of the class; agency policies or practices giving rise to the complaint; nature of the act or acts giving rise to the aggrieved person's belief that he or she was discriminated against; reason why the aggrieved person believes that a number of other persons are similarly affected by said policies or practices; and efforts made by the counselor to resolve the matter, including names of persons contacted and documents reviewed.

(4) This report must be transmitted to the aggrieved person within 15 calendar days of the termination of counseling, with a copy to the EEEO.

n. Civilian Personnel Officer (CPO). The CPO shall work closely with the CDEEOO or DEEOO and other EEO program officials and with managers and supervisors to assure that all personnel functions are carried out in consonance with EEO policies and laws. Personnel functions having a particular impact on equal opportunity include recruitment, selection, merit staffing, and training. The CPO shall assist in the development and execution of an aggressive affirmative action program including the Federal

Equal Opportunity Recruitment Program (FEORP). The CPO shall ensure that merit staffing panels include an individual appointed by the CDEEO or DEEO and that merit staffing certificates and files are reviewed by the CDEEO or DEEO before submission to selecting official.

o. Position Management Officer (PMO). The PMO shall assist line management to ensure appropriate support for and endorsement of a position structure that is efficient and economical and effectively utilizes employees. Both the PMO and UMPC shall assist line management in identifying positions which support affirmative action programs by providing advancement opportunities for lower level employees.

p. Supervisors and Managers. Supervisors and managers shall support the principles of equal opportunity as an inherent part of their assigned responsibilities. They shall consult with the CDEEO or DEEO in the establishment of the organizational goals and with personnel officials to ensure that recruitment and staffing strategies to eliminate barriers are implemented to include minorities and women in the applicant pool from which selections are made. They shall accomplish organizational actions including hiring goals as part of the Merit Pay System objectives where appropriate. How well they carry out these responsibilities shall be measured as factors in their annual performance appraisals (for military personnel, their reports of fitness) and in consideration for awards.

## 2. Program Structure

### a. Staff Requirements

(1) Activities With Fewer Than 100 Civilian Employees. The commanding officer as the EEO officer is responsible for the total EEO Program. He or she may designate a civilian employee as a Special Assistant for EEO Programs to ensure consistency and continuity of the civilian EEO Program. The commanding officer must assure that a least one EEO counselor is available to assist employees or applicants for employment who may feel that they have been subjected to discrimination. Arrangements may be made for the provision of EEO services by a larger, colocated activity as part of a host-tenant agreement. Such arrangements, however, do not relieve the commanding officer of the responsibility for the total EEO Program.

(2) Activities With 100 to 200 Civilian Employees. The commanding officer shall appoint a Special Assistant for EEO Programs, a Federal Women's Program coordinator, an Upward Mobility Program coordinator, and at least one EEO counselor. If the activity has 200 or more employees, two counselors shall be appointed. If an activity is located in an area in which

Hispanics represent 2 percent or more of the recruitment area potential work force, an HEP coordinator shall be appointed. These EEO officials and EEO personnel shall generally function on a collateral duty basis, with a minimum of 20 percent of the time of the DEEOO, FWP coordinator, and HEP coordinator devoted to their EEO program duties.

(3) Activities With 300 or More Civilian Employees. The commanding officer shall appoint, at a minimum, a full-time DEEOO who shall be provided appropriate clerical assistance. The commanding officer shall appoint a FWP coordinator, UMP coordinator, and if there are Hispanics in the recruitment area potential work force in the ratio described in paragraph (2) above, an HEP Coordinator. Paragraph (2) above specifies the minimum amount of time to be devoted to EEO duties by collateral EEO officials. Two counselors shall be appointed for the first 200 employees, plus one additional counselor for each additional 300 employees or fraction thereof.

(4) Activities With 500 or More Civilian Employees. The commanding officer shall appoint, at a minimum, a full-time DEEOO, FWPM, and an EEO Assistant. The commanding officer shall appoint an HEP coordinator, H/DVP coordinator, and UMP coordinator. Paragraph (2) above specifies the minimum amount of time to be devoted to EEO duties by collateral EEO officials. Three counselors shall be appointed for the first 500 employees, plus one additional counselor for each additional 200 employees or fraction thereof.

(5) Activities with 700 or More Civilian Employees. The commanding officer shall appoint, at a minimum, a full-time DEEOO, FWPM, HEPM, and an EEO Assistant. The commanding officer shall appoint an H/DVP coordinator and UMP coordinator. Paragraph (2) above specifies the minimum amount of time to be devoted to EEO duties by collateral EEO officials. Four counselors shall be appointed for the first 700 employees, plus one additional counselor for each additional 200 employees or fraction thereof.

b. Qualifications of Principal EEO Officials. The EEO positions are established and filled in accordance with the Office of Personnel Management's FPM provisions, X-118 Qualification Standards, Position Classification Standards, and Department of Navy Regulations. Selection guides are prescribed by the X-118 Qualification Standards through definition of required knowledges, skills, and abilities. Positions of full-time DEEOO's will be structured to achieve a minimum grade level of GS-11. The positions of full-time EEO specialists functioning as FWPM's or HEPM's at command activities shall be designed to achieve at least the GS-9 level.

c. Selection and Appointment of EEO Officials and Personnel

(1) Procedures

(a) DEEOO's. The merit staffing process shall be used to fill a full-time DEEOO vacancy. An EEO specialist in the NAVMEDCOM EEO Office (MEDCOM-00D1) or an appointed representative shall serve as a panel member. For collateral duty special assistants, the activity EEOO shall appoint an individual under competitive procedures. A memorandum of understanding shall be completed and the appointee's position description amended to incorporate the EEO duties.

(b) FWPM's and HEPM's. Full-time FWPM and HEPM positions shall be filled through the regular merit staffing process. For collateral duty FWPC's and HEPC's the activity EEOO shall appoint these individuals under competitive procedures and with the recommendation of the DEEOO. A memorandum of understanding shall be completed and the appointee's position description amended to incorporate the EEO duties.

(c) EEO Counselors. Appointment of qualified EEO counselors on a collateral duty basis shall be done by the EEOO upon recommendation of the CDEEOO or DEEOO. A memorandum of understanding shall be completed and the appointee's position description amended to incorporate the EEO counseling duties.

(d) EEO Council or EEO Committee. Appointment of EEO council or EEO committee members shall be accomplished by the EEOO upon recommendation of the CDEEOO or DEEOO. A memorandum of understanding shall be completed and the appointee's position description amended to incorporate the council or committee member's duties.

(2) A letter of appointment shall be issued outlining the duties and responsibilities of collateral duty EEO officials. Copies of letters of appointment and memorandums of understanding shall be provided to the appointee's supervisor, to NAVMEDCOM (MEDCOM-00D1), and placed in the appointee's official personnel folder.

d. Training of EEO Officials and Personnel

(1) EEO Officials. To direct results-oriented EEO programs effectively, EEO staffs (DEEOO's, FWPM's, HEPM's, FWPC's, HEPC's, and other specialists) need to possess basic personnel and EEO Program administration skills and knowledge. Individual development plans shall be developed and implemented for those EEO officials who do not possess these skills and knowledges to a sufficient degree. Participation in conferences and seminars on EEO-related subjects sponsored by the Office of

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Personnel Management, Department of the Navy activities, other governmental agencies, and women's and minority organizations shall be encouraged and supported as training experiences. Every effort shall be made to ensure that newly-appointed EEO officials are provided training within the first 3 months following their appointment.

(2) EEO Personnel. EEO counselors shall attend a basic course in EEO counseling as soon as possible but not later than 6 months after their appointment. EEO counselors shall attend advanced counseling and refresher counseling courses as deemed appropriate by the EEOO or DEEOO. Both EEO counselors and council or committee members shall be provided training in basic EEO and personnel policies and administration as soon as possible after appointment. Counselors shall not provide counseling service prior to receiving basic EEO counseling training.

OVERVIEW OF  
EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURES

1. Individual Complaints

a. An employee or applicant for employment who believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age, physical or mental handicap, or reprisal for prior EEO complaint involvement must initially contact the EEO office within 30 calendar days of the date of the act or decision, or if a personnel action, within 30 calendar days of the effective date.

b. An EEO counselor shall be assigned and shall conduct an impartial inquiry into the matter giving rise to the allegation. Insofar as practicable, the final interview shall be conducted with the counselee not later than 21 calendar days of the date on which the case was assigned. If the final interview has not been conducted within 21 calendar days, and the matter has not been resolved to the satisfaction of the individual, the counselor shall inform the individual orally and in writing of the right to file a formal complaint.

c. The formal complaint must specify the basis of the allegation, include a description of the situation giving rise to the allegation and must be signed by the complainant. The complaint must be limit to the matter presented to the EEO counselor and must be filed with an appropriate official within 15 calendar days after receipt of the notice from the counselor of the right to file.

d. The date the formal complaint is considered filed is the date it is delivered to the EEOO or the postmarked date, if mailed. The EEOO, DEEOO, FWPM, and HEPM are designated as officials who can receive formal complaints.

e. Additional information concerning individual complaints is contained in reference (e).

2. Class Complaints

a. General. A class complaint differs significantly from an individual complaint in time requirements and method of processing. The class complaint alleges that the "class" has been, is being, or may be adversely affected by an agency's/activity's personnel management policy or practice which discriminates against the group on the basis of their common race, color, religion, sex, national origin, or age. An employee, former employee, or applicant for employment who



believes that he or she has been, is being, or may be adversely affected by an agency personnel management policy or practice, and who wishes to be an agent for the class must initially contact the EEO office within 90 calendar days of the date of the alleged discriminatory act or if a personnel action, within 90 calendar days after the effective date of that action.

b. Definitions

(1) Class. A "class" is a group of three or more employees, former employees, or applicants for employment on whose behalf it is alleged that the class has been, is being, or may be adversely affected by a personnel management policy or practice which discriminates against the group on the basis of their common race, color, religion, sex, national origin, or age.

(2) Class Complaint. A "class complaint" is a written complaint of discrimination filed by the "agent" of the class and filed on behalf of the class. The class complaint alleges that: (a) the class is so numerous that a consolidated complaint of the members of the class is impractical, (b) there are questions of fact common to the class, (c) the claims of the agent are typical of the claims of the class, and (d) the agent of the class or his or her representative, if any, will fairly and adequately represent the interest of the class.

(3) Agent. The "agent" of the class is also a member of the class, who makes initial contact on behalf of the class and files the formal complaint.

c. Additional information regarding time frames and procedures is contained in reference (e).

3. NAVMEDCOM Processing. Under certain circumstances, it is required that complaints of discrimination be elevated to NAVMEDCOM (MEDCOM-00D1) for processing and resolution.

a. Complaints in which it has been determined by the investigator that the commanding officer of a command activity may have contributed personally to the circumstances or events alleged by an employee (or applicant) to be discriminatory.

b. Complaints filed against an EEO official of a command activity.

c. With regard to paragraph a above, NAVMEDCOM (MEDCOM-00D1) may delegate the responsibility for attempting resolution of the complaint to a senior official in the NAVMEDCOM regional command having management control of the particular command activity.

The CDEEOO shall provide technical advice and assistance to the designated official.

4. Followup Review. In recognition of the fact that individual discrimination complaints may have systemic implications, it is emphasized that followup reviews of every complaint, whatever the disposition of the complaint may have been (resolved, withdrawn, rejected, etc.) are of utmost importance. Therefore, such reviews shall be undertaken promptly, and when it is found that problem areas exist, appropriate action shall be initiated by the responsible official. In addition, annual assessments required for development or update of AAPPs shall include review of all complaints, formal and informal, to determine their significance with regard to identification of problems to be addressed in the AAPP.

5. Form. Complaint of Discrimination in the Department of the Navy Because of Race, Color, Religion, Sex, National Origin, Age, Physical Handicap, Mental Handicap, or Reprisal for Prior Complaint Involvement, NAVSO 12713/1 (Rev 4-80) (Stock number 0104-LF-942-4603) may be obtained in packages of 100 each through normal supply channels. This form is to be made available to employees by the CDEEOO, DEEOO, other EEO officials, or the civilian personnel office.

SAMPLE

NAVMEDCOMINST 12713.1  
13 October 1983

COMPLAINT OF DISCRIMINATION IN THE DEPARTMENT OF THE NAVY  
BECAUSE OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, PHYSICAL HANDICAP,  
MENTAL HANDICAP, OR REPRISAL FOR PRIOR COMPLAINT INVOLVEMENT  
NAVSO 12713/1 (REV 4-80) S/N 0104-LF-942-4603

(FOR AGENCY USE)

1. WHAT IS YOUR (COMPLAINANT'S) FULL NAME:

Jane Doe

YOUR STREET ADDRESS (OR RD NUMBER OR POST OFFICE BOX NUMBER)

1234 Navy Street

YOUR CITY

Washington, D.C.

STATE

ZIP CODE

20202

2. WHAT IS YOUR TELEPHONE  
NUMBER INCLUDING AREA  
CODE IF YOU KNOW IT?

HOME PHONE

765-0198

WORK PHONE

112-0123

3. ARE YOU NOW WORKING FOR THE DEPARTMENT OF  
THE NAVY?
☒ YES (Answer A, B, C, and  
D below) ☐ NO (Continue with question 4)

A. NAME OF ACTIVITY WHERE YOU WORK

Naval Systems Command

B. STREET ADDRESS OF YOUR ACTIVITY

9876 West North Street

C. CITY

STATE

ZIP CODE

Anycity,

USA

01234

D. WHAT IS THE TITLE AND GRADE OF YOUR JOB?

Management Assistant, GS-6

4. WHICH DEPARTMENT OF THE NAVY ACTIVITY DO YOU  
BELIEVE DISCRIMINATED AGAINST YOU?

Operating Management

A. NAME OF ACTIVITY (If different from 3A) AND OFFICE

B. ADDRESS (If different from 3B)

5. DATES ON WHICH ALLEGED DISCRIMINATION TOOK PLACE

MONTH: June DAY: 16 YEAR: 1983

6. CHECK BELOW WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST

☒ RACE, IF SO, SHOW YOUR RACE Black☐ COLOR, IF SO, SHOW YOUR COLOR \_\_\_\_\_☐ RELIGION, IF SO, SHOW YOUR RELIGION \_\_\_\_\_☐ NATIONAL ORIGIN, IF SO, SHOW YOUR NATIONAL ORIGIN \_\_\_\_\_☐ SEX, IF SO, INDICATE IF YOU ARE \_\_\_\_\_ MALE OR \_\_\_\_\_ FEMALE☐ AGE, IF SO, STATE YOUR DATE OF BIRTH: MONTH \_\_\_\_\_ DAY \_\_\_\_\_ YEAR \_\_\_\_\_☐ PHYSICAL HANDICAP, IF SO, WHAT IS YOUR HANDICAP \_\_\_\_\_☐ MENTAL HANDICAP, IF SO, WHAT IS YOUR HANDICAP \_\_\_\_\_☐ REPRISAL, IF SO, WHAT WAS YOUR PRIOR COMPLAINT INVOLVEMENT \_\_\_\_\_7. DESCRIBE THE SITUATION(S) YOU BELIEVE SHOWS YOU WERE TREATED DIFFERENTLY FROM OTHER EMPLOYEES OR  
APPLICANTS BECAUSE OF YOUR RACE OR COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, PHYSICAL HANDICAP, MENTAL  
HANDICAP, OR PRIOR EEO COMPLAINT INVOLVEMENT:

Another supervisory position was announced, I applied and again I was ranked  
highly qualified. All other supervisors in this department are white. The  
person selected was less qualified than me. The person selected was white.

(If you need more space, use back of this sheet.)

8. I HAVE DISCUSSED MY COMPLAINT WITH AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR:

☐ NO☒ YES:Frank Fair

(Name of counselor)

June 21, 1983

(Date of initial interview)

July 08, 1983

(Date of final interview)

9. WHAT CORRECTIVE ACTION DO YOU WANT?

Retroactive promotion and salary lost because of non-selection to supervisory  
position.

(If you need more space, use back of this sheet.)

10. DATE OF THIS COMPLAINT

MONTH 7 DAY 21 YEAR 1983

11. SIGN YOUR (COMPLAINANT'S) NAME HERE

Jane Doe

Enclosure (3)